

1 KEKER & VAN NEST LLP
ROBERT A. VAN NEST - # 84065
2 rvannest@kvn.com
CHRISTA M. ANDERSON - # 184325
3 canderson@kvn.com
DANIEL PURCELL - # 191424
4 dpurcell@kvn.com
633 Battery Street
5 San Francisco, CA 94111-1809
Telephone: (415) 391-5400
6 Facsimile: (415) 397-7188

7 KING & SPALDING LLP
BRUCE W. BABER (pro hac vice)
8 bbaber@kslaw.com
1185 Avenue of the Americas
9 New York, NY 10036
Tel: (212) 556-2100
10 Fax: (212) 556-2222

11 Attorneys for Defendant
GOOGLE INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 ORACLE AMERICA, INC.,
16 Plaintiffs,
17
18 v.
19 GOOGLE, INC.,
20 Defendant.

Case No. 3:10-cv-03561 WHA (DMR)

**DECLARATION OF MAYA KARWANDE
IN SUPPORT OF GOOGLE'S MOTION
FOR RECONSIDERATION OF THE
COURT'S ORDER DENYING SEALING
OF CONFIDENTIAL GOOGLE-APPLE
INFORMATION**

Dept. Courtroom 4, 3rd Floor (Oakland)
Judge: Hon. Donna M. Ryu
Date: March 8, 2016
Time: 11:00 a.m.

1 I, MAYA KARWANDE, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and am an
3 associate at the law firm of Keker & Van Nest LLP, counsel to Google Inc. ("Google") in the
4 above-captioned action. I submit this declaration in support of Google's Motion for
5 Reconsideration of the Court's Order Denying Sealing of Confidential Google-Apple
6 Information. I have knowledge of the facts set forth herein, and if called upon as a witness, I
7 could testify to them competently under oath.

8 2. During the January 14, 2016 discovery hearing, Oracle's counsel disclosed
9 information that purportedly reflects confidential terms of an agreement between Google and
10 non-party Apple Inc. January 14, 2016 Tr. at 29:24-25. This information was derived from
11 deposition testimony that Google has designated as "HIGHLY CONFIDENTIAL –
12 ATTORNEY'S EYES ONLY" under the Protective Order that governs this case. [Dkt. No. 66.]
13 Oracle did not provide any advance notice to Google that it intended to disclose this highly
14 confidential information at the hearing.

15 3. At the time the Court issued its prior order denying Google's oral motion to seal
16 [Dkt. No. 1434], Google had not yet filed a written motion to seal the highly confidential
17 information related to the Apple-Google agreement.

18 4. At the time the Court issued its prior order denying Google's oral motion to seal
19 [Dkt. No. 1434], Google had not yet submitted a declaration from Google's Senior Litigation
20 Counsel, Renny Hwang, explaining the confidential nature of the information.

21 5. I understand that Apple has submitted a declaration from Leslie Fithian, Senior
22 Director of the Software Products Legal Team at Apple. [Dkt. No. 1439 ("Fithian Decl.").] At
23 the time the Court issued its prior order denying Google's oral motion to seal [Dkt. No. 1434],
24 Apple had not yet submitted the Fithian Declaration.

25 6. On January 19, 2016 at 11:49 a.m., counsel for Google sent a letter to counsel for
26 Oracle by email asking Oracle to join Google's formal request to the Court to seal the above-
27 described portions of the January 14, 2016 hearing transcript. Google's counsel reached out to
28

1 Oracle's counsel again on January 20, 2016. Oracle's counsel never responded directly to
2 Google's request that Oracle join its motion to seal. Instead, on January 21, 2016, Oracle filed a
3 response to Google's Motion for Reconsideration [Dkt. No. 1442] and later advised Google that
4 its court filing should be considered its response to Google's letters.

5
6 I declare under penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct to the best of my knowledge.

8
9 Executed on this 29th day of January, 2016 at San Francisco, California.

10
11
12 By:

13 
14 Maya Karwande